

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of)
)
Amendment of the Commission's Rules)
Regarding Multiple Address Systems)

WT Docket No. 97-81 RECEIVED

SEP 17 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

COMMENTS OF THE ASSOCIATION OF AMERICAN RAILROADS

The Association of American Railroads ("AAR"), by its undersigned counsel, pursuant to Section 1.415 of the rules of the Federal Communications Commission ("Commission"),¹ hereby submits its comments in response to the above captioned Further Notice of Proposed Rule Making.²

I. Background and Preliminary Statement

AAR is a voluntary, non-profit organization composed of Class I member railroad companies operating in the United States, Canada and Mexico. AAR is the joint representative and agent of these railroads in connection with federal regulatory matters of common concern to the industry as a whole, including matters pertaining to regulation of communications. In addition, AAR functions as the frequency coordinator with respect to operation of land mobile and other radio-based services. Accordingly AAR is pleased to have this opportunity to share its views with the Commission regarding the licensing of Multiple Address Systems ("MAS").

¹ See 47 C.F.R. § 1.415.

² WT Docket No. 97-81, Further Notice of Proposed Rule Making, (FCC 99-101), (rel. July 1, 1999)("Further Notice").

No. of Copies rec'd
List ABCDE

049

AAR has been an active participant in this proceeding and has previously expressed its views on many of the issues raised in the Further Notice in its Comments filed in response to the initial Notice of Proposed Rule Making this proceeding.³ Specifically, AAR believes that the Commission should license MAS systems according to three core principles. First, the Commission should create an exclusive allocation of MAS frequencies for private internal use by those industries that support the nation's critical infrastructure, such as the railroads, pipelines and utilities. Second, the Commission must avoid geographic licensing for private MAS systems. Finally, the Commission must ensure that private internal MAS licenses are not awarded by auction. Because these issues have been raised again in the Further Notice, AAR hereby incorporates by reference its prior filings in this proceeding. Copies of these pleading are attached to these Comments for inclusion in the record. Now, AAR hereby submits its Comments in response to the issues raised for the first time in the Further Notice.

II. Private MAS Licenses are not Subject to Auction

The principal issue of concern to AAR in the Further Notice is whether the amendments to the Commission's auction authority, adopted in the Balanced Budget Act of 1997 ("Budget Act"), affect Commission policies regarding the licensing of MAS

³ See Comments of the Affiliated American Railroads, (May 1, 1997); Reply Comments of the Affiliated American Railroads, (May 15, 1997), filed in response to the Notice of Proposed Rule Making, WT Docket 97-81, 12 FCC Rcd. 7973. (For purposes of attribution, all pleadings filed by the Affiliated American Railroads may be ascribed to the Association of American Railroads.)

frequencies for private internal use.⁴ From AAR's perspective, nothing in the Budget Act has altered the Commission's licensing authority with respect to railroad licenses in the 928/952/956 MHz bands. These licenses are subject to frequency co-ordination and are issued on a first-come, first-served site-by-site basis. Consequently, mutually exclusive applications are not filed, and there is no basis for the Commission to consider auctions as a licensing mechanism for these frequencies. In the Further Notice, the Commission agreed with this conclusion stating "we believe that the incidents of mutual exclusivity would be rare because the site-based applications would be frequency coordinated prior to their filing with the Commission."⁵

In addition, even if the Commission were to consider auctions as a licensing mechanism for these frequencies, the railroads' use of these channels qualifies as a "public safety radio service" as defined by Section 309(j)(2) of the Communications Act,⁶ and therefore would be exempt from the Commission's auction authority. As the Commission properly noted in the Further Notice, Congress intended the definition of public safety services, for purposes of the auction exemption, to include "private internal

⁴ See Further Notice at ¶¶ 14-24.

⁵ Further Notice at ¶ 24.

⁶ See 47 U.S.C. § 309(j)(2). (AAR has submitted its complete analysis of the Commission's revised auction authority in its Comments in the proceeding implementing the Budget Act; see, Comments of the Association of American Railroads, (filed August 2, 1999) filed in response to the Notice of Proposed Rule Making, WT Docket 99-87, (FCC 99-52) (rel. March 25, 1999). AAR hereby incorporates those Comments by reference herein.)

radio services" used by, *inter alia*, railroads, pipelines, and utilities.⁷ Accordingly, the Commission has no authority to auction MAS frequencies allocated for use by the railroads.

III. The Freeze on the Acceptance of Private MAS Applications Must be Lifted

Despite the Commission's own tentative conclusions that auctions are inappropriate for MAS frequencies in the 928/952/956 MHz band, the Further Notice imposed a freeze on the acceptance of applications for these frequencies because of "uncertainty regarding whether to employ geographic area licensing and auctions for these bands."⁸ In response to this freeze, AAR, with the United Telecom Council and the American Petroleum Institute, submitted an Emergency Request for Limited Exception to Application Freeze ("Emergency Request") seeking an exception to the licensing freeze for railroad, utility and pipeline applications in the 928/952/956 MHz bands.⁹

AAR will not restate all of its arguments from the Emergency Request, but rather takes this opportunity to urge the Commission to act on the Emergency Request as expeditiously as possible. As noted in the Emergency Request, the freeze on these applications has been particularly harmful to the railroad industry. Because of this freeze, ongoing projects to upgrade switching and signaling systems that control long

⁷ See Further Notice at ¶ 18, citing H.R. Conf. Rep. No. 105-217, 105th Cong., 1st Sess., at 572.

⁸ Id at ¶ 28.

⁹ See Emergency Request for Limited Exception to Application Freeze, WT Docket No. 97-81, filed July 23, 1999, by the United Telecom Council, the American Petroleum Institute and the Association of American Railroads.

stretches of railroad have been halted. As long as this freeze remains in effect, these systems can not be upgraded, increasing the potential that the reliability of these communications systems will be compromised. Accordingly, AAR urges the Commission to grant the Emergency Request now, before addressing the rest of the issues in this proceeding.

IV. Conclusion

In adopting rules implementing amendments to the Commission's auction authority as proposed in this proceeding, the Commission must consider very carefully the impact of its rules on the diverse private radio community, especially with respect to the freeze on applications in those services operating in safety-critical businesses such as the railroad industry. Accordingly, AAR urges the Commission to act in accordance with the recommendations set forth above.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

By: 
Thomas J. Keller
John M. R. Kneuer

VERNER, LIIPFERT, BERNHARD,
McPHERSON and HAND, CHARTERED
901 15th Street, N.W. Suite 700
Washington, D.C. 20005
(202) 371-6060
Its Attorneys

Date: September 17, 1999

Certificate of Service

I, Helene McGrath, of the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, hereby certify that a copy of the foregoing was served this 17th day of September, 1999, via first class mail, postage prepaid, upon the following:

Chairman William E. Kennard
Federal Communications Commission
445 12th Street, S.W.
Room 8-B201
Washington, DC 20554

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street, S.W.
Room 8-A302
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street, S.W.
Room 8-C302
Washington, DC 20554

James D. Schlichting, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, DC 20554

D'Wana R. Terry, Chief
Public Safety & Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., 3C-244
Washington, DC 20554

Herb Zeiler, Deputy Chief
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street, S.W.
Room 8-B115
Washington, DC 20554

Commissioner Michael K. Powell
Federal Communications Commission
445 12th Street, S.W.
Room 8-A204
Washington, DC 20554

Thomas K. Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, DC 20554

Diane Cornell, Associate Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, DC 20554

John Clark, Deputy Chief
Public Safety & Private Wireless Division
Wireless Telecommunications Commission
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, DC 20554

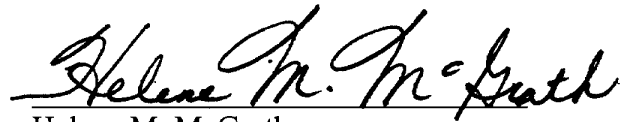
Michael J. Wilhelm
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, D.C. 20554

Kathleen O'Brien Ham
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, D.C. 20554

Ramona Melson, Deputy Chief
Public Safety and Private Wireless Div.
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, D.C. 20554

John J. Borkowski
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3C-244
Washington, D.C. 20554

International Transcription Service
1231 20th Street, N.W.
Washington, D.C. 20036



Helene M. McGrath

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAY 11 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of the Commission's Rules
Regarding Multiple Address Systems

DOCKET FILE COPY ORIGINAL
WT Docket No. 97-81

To: The Commission

COMMENTS OF THE AFFILIATED AMERICAN RAILROADS

The Affiliated American Railroads^{1/} by their undersigned counsel, hereby submit their Comments in response to the Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding.^{2/}

The railroad industry employs MAS spectrum for a variety of fixed point-to-multipoint applications which are integral for train control communications. The railroads' MAS systems are the "last mile" of the RF networks that are used exclusively for the railroads' internal, private use to ensure the safe operation of the nations' railroads. Typically, the MAS links serve as the terminus at trackside locations of the centralized-train-control (CTC) and computer-aided-dispatch (CAD) systems that control train operations. They represent the RF "connection" between the railroads' computerized control centers and the switch and signal units at trackside and rail yard locations. A

-
- 1/ The Affiliated American Railroads consist of four Class I railroads operating in the U.S. and Canada: Canadian National, Conrail, CSX and Union Pacific.
- 2/ Amendment of the Commission's Rules Regarding Multiple Address Systems, Notice of Proposed Rule Making, WT Docket No. 97-81, FCC 97-58 (released February 27, 1997) ("NPRM").

No. of Copies rec'd
List A B C D E

024

typical railroad MAS link will control approximately 5-7 train operation sites; control of as many as 30 sites is possible from MAS transmitters at high elevations.

Currently, MAS systems are licensed on a site-by-site basis, upon application to the Commission, subject to certain operational rules such as standard mileage separation requirements and frequency separation requirements. In the NPRM, the Commission inquired as to whether it should create a separate allocation for private users of the MAS bands and whether it should impose a geographic licensing plan on MAS bands currently used for the private, internal communications needs of licensees. For the reasons described below, the railroads urge the Commission to create a purely private allocation and not to adopt a geographic licensing plan for these private use bands.

I. The Commission Should Create an Exclusively Private MAS Allocation

In the NPRM, the Commission noted that licensees in the 928/952/956 MHz bands appear to be using their MAS spectrum overwhelmingly for private service.^{3/} The Commission tentatively concluded, therefore, that the 928/952/956 MHz bands should be designated exclusively for private, internal use. The Commission also sought comment on whether the existing or projected internal communications requirements of private service users justify the creation of a purely private allocation.

The railroads urge the Commission to create a private allocation. The communications needs of the railroad industry are constantly expanding as safety and operational functions are automated to increase the efficiency and safety of railroad

3/ NPRM, ¶ 12.

operations. The railroad industry employs a wide variety of wireless communications systems to handle these increased demands. These systems, including the railroads' MAS systems, operate at or near capacity in many areas of the country. This projected increase in the need for MAS frequencies by the railroads, coupled with the railroads' already extensive existing use of MAS frequencies, dictates that the Commission should create a purely private MAS allocation.

II. The Commission Should not Adopt Geographic Licensing for MAS Bands used for Licensees' Private, Internal Communications

Although it recognized the internal, private nature of the use of MAS spectrum in the 928/952/956 MHz bands, the Commission nonetheless asked for comment on whether geographic licensing should be employed for these bands if it finds that the principal use of these bands involves, or is reasonably likely to involve, subscriber-based service. The railroad industry urges the Commission to reject geographic licensing for MAS bands used for private communications needs and submits that the Commission's inquiry into the use of these bands is unnecessary in light of its conclusion in the NPRM that licenses in the 928/952/956 MHz bands are used "overwhelmingly" for private, internal communications needs. The Commission noted that geographic area licenses are appropriate where licensees provide, or are likely to provide, subscriber-based services. This is because these subscriber-based services produce revenue for the licensees, which will allow them to obtain these geographic based licenses via auction. In contrast to subscriber-based services, the use of MAS frequencies by private users such as railroads does not generate revenue which would enable these users to pay for

geographic licenses. In addition, private users require communications capabilities at specific sites where train operations are located -- they simply do not need geographic area licenses.

III. The Commission Must Ensure that MAS Bands used for Private, Internal Communications are not Awarded by Auction

The Commission proposed that competitive bidding be used as a means of awarding MAS licenses for those bands which it concludes are used, or will likely be used to provide subscriber-based services. These include the 932/941 and 928/959 MHz MAS bands. In discussing the use of auctions, the Commission again mentioned that it sought comment on how frequencies in the 928/952/956 MHz bands are currently being used by licensees. Again, the railroads note that the Commission stated in the NPRM that the use of the frequencies in these bands was "overwhelmingly" for private service. Having made this determination, the railroads urge the Commission to refrain from subjecting these bands to competitive bidding for the award of licenses. Auctions are clearly an inappropriate means of awarding licenses for the type of private, non-revenue producing safety and operational uses employed by railroads and other private users. Indeed, the Commission's own statement that these bands are "used overwhelmingly for private service" precludes the use of auctions, which may be employed only where "the principal use of the spectrum will involve, or is reasonably likely to involve, the receipt by the licensee of compensation from subscribers."^{4/}

4/ 47 U.S.C. § 309(j)(2)(a).

IV. Incumbent Licensees Must be Permitted to Expand Their MAS Systems Without Undue Restraint

In the NPRM, the Commission recognized that it must assess the impact that its geographic licensing proposal would have on incumbent licensees which are licensed on a site-by-site basis.^{5/} The Commission noted that it was concerned with the effect of the proposal on those licensees in the 928/952/956 bands which use their MAS systems for private, internal communications needs and concluded that, in the event it adopts a geographic licensing approach for these bands, it would allow incumbent licensees to continue operating under their current authorization.^{6/} Under the Commission's proposal, new geographic licensees would be required to provide protection to all co-channel incumbent systems that are constructed and operating within their geographic license area. The railroads support these proposals as they provide needed protection to incumbent licensees.

The railroads are concerned, however, that the Commission's proposals concerning an incumbent licensee's ability to obtain additional licenses will unduly restrict the incumbents' ability to expand its system in response to the anticipated need for additional MAS spectrum discussed above. The Commission proposed to allow incumbents to "modify or augment their systems as long as they do not encroach on co-channel operations of a geographic licensee."^{7/} Further, the Commission stated that

5/ NPRM, ¶ 19.

6/ Id. As stated in these Comments (supra at 3), the Affiliated American Railroads oppose the adoption of a geographic licensing approach for these bands.

7/ NPRM, ¶ 19.

incumbents could not expand their existing systems without the consent of the geographic licensee.^{8/} To ensure that incumbents are afforded adequate protection, the Commission proposed a protected service area of 25 miles for incumbents' operations. This may not be enough. Some railroad MAS systems provide coverage to train operation locations as far as 40 miles away from the MAS transmitter. Accordingly, the railroads recommend a 40 mile protection area.

Within the 25-mile service area, the Commission proposed to allow incumbents freely to modify existing systems or to add new radio transmitters as long as the signal level is not increased beyond this 25 mile area. If an incumbent wishes to apply for a new license which would result in an increase in the signal level of its MAS system beyond the existing 25 mile service area, the incumbent would have to obtain the permission of the geographic licensee in that area. Such a requirement will act to severely constrain the ability of incumbent licensees to expand their current MAS systems to meet legitimate operational needs that inevitably will arise in the future. In this regard, it is important to note that the railroad industry's deployment of MAS facilities is not complete. As capital budgets permit, the reach of CTC and CAD systems is continuously being expanded to encompass new areas of railroad right-of-way. Furthermore, expansion of rail service into new geographic areas is often necessary to accommodate commercial growth and industrial expansion. The construction of a new automobile plant at a location previously without rail service necessitates the construction of rail infrastructure to support the new economic activity. Obviously, that new rail infrastructure is not as productive without the

8/ Id., ¶ 20.

necessary RF control links to support it, including MAS links. Accordingly, the Commission should allow for expansion of MAS links into new geographic areas to accompany the expansion of the underlying infrastructure that is supported by the MAS systems.

In addition, high speed rail operations in heavily populated rail corridors such as the corridor between Portland, Oregon and Seattle, Washington, are currently being investigated by the Federal Railroad Administration ("FRA"). These areas will require special attention for wayside operations and for supporting communications links, further increasing the railroads' need for MAS spectrum.


V. Conclusion

For the foregoing reasons, the railroad urges the Commission to adopt the suggestions made herein.

Respectfully submitted,

AFFILIATED AMERICAN RAILROADS

By:


Thomas J. Keller, Esq.
Leo R. Fitzsimon, Esq.
VERNER, LIIPFERT, BERNHARD,
McPHERSON AND HAND, CHARTERED
901-15th Street, N.W., Suite 700
Washington, D.C. 20005-2301
(202) 371-6060
Its Attorneys

Date: May 1, 1997

CERTIFICATE OF SERVICE

I, Chotima Harris, hereby certify that on this 1st day of May, 1997, copies of the foregoing "Comments of the Affiliated American Railroads" were mailed, first class postage prepaid on this 1st day of May to the following:

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

Dan Phythyon
Chief Wireless Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554

Bob James
Wireless Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8010-B
Washington, D.C. 20554

David Horowitz
Wireless Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8010
Washington, D.C. 20554

David Wye
Wireless Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, D.C. 20554


Chotima Harris

MAY 15 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of the Commission's Rules) WT Docket No. 97-81
Regarding Multiple Address Systems)
)

To: The Commission

REPLY COMMENTS OF THE AFFILIATED AMERICAN RAILROADS

The Affiliated American Railroads^{1/} by their undersigned counsel, hereby submit their Reply Comments in response to comments submitted by parties regarding the Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding.^{2/}

The railroad industry agrees with those commenters who urged the Commission to allocate the 928/956/958 MHz bands solely for the private, internal use of MAS licensees.^{3/} As described by numerous commenters, such an allocation is necessary because the demand for MAS spectrum by private, internal users is extremely high and will grow as these users expand their communications systems to match the growth of

-
- 1/ The Affiliated American Railroads consist of four Class I railroads operating in the U.S. and Canada: Canadian National, Conrail, CSX and Union Pacific.
- 2/ Amendment of the Commission's Rules Regarding Multiple Address Systems, Notice of Proposed Rule Making, WT Docket No. 97-81, FCC 97-58 (released February 27, 1997)("NPRM").
- 3/ See, e.g. The American Petroleum Institute ("API") Comments at 5; Data Address Systems Partnership Comments at 4; Delmarva Power and Light Company Comments at 2; Puget Sound Energy, Inc. Comments at 3; Southern California Edison Comments at 2; UTC, The Telecommunications Association ("UTC") Comments at 16-18.

No. of Copies rec'd 024
List A B C D E

their industries.^{4/} This phenomenon was described well and succinctly in the comments of Microwave Data Systems: "America's infrastructure industries need more, not less, MAS capacity on a site-by-site basis."^{5/} As described in the Comments of the Affiliated American Railroads, the railroad industry's deployment of MAS is not complete.^{6/} As railroads expand their operations, sufficient wireless communications capacity must be available for their operational and safety uses. MAS are an important part of the railroads' wireless communications systems, providing the critical "last mile" link in railroad communications networks for operational and safety functions. These important uses of MAS by the railroads illustrate the need for a sufficient portion of MAS spectrum to be allocated solely for private, internal use. The clear majority of commenters addressing this issue supported the Commission's tentative proposal to allocate these bands solely for the private, internal use of the licensee.

The majority of commenters also supported the continuation of site-by-site licensing for private MAS users and opposed any suggestion that these uses be licensed by geographic area. These commenters noted that site-by-site licensing was appropriate for private, internal MAS users as they only require spectrum for specific areas.^{7/} Several parties also noted that geographic area licensing would be an inefficient use of MAS

4/ See API Comments at 6-8; UTC Comments at 4.

5/ See Microwave Data Systems Comments at 2.

6/ See Affiliated American Railroads Comments at 6.

7/ See Cooperative Power Association Comments at 4-5; Wells Rural Electric Company Comments at 4 (private users build out their MAS systems in a deliberate "as needed" fashion).

spectrum as private users would be licensed for a much larger area than they need for their site-specific, private operational needs.^{8/}

A number of commenters concurred with the railroads that the 25 mile protected service area proposed by the Commission may be inadequate to protect incumbent MAS licensees from harmful interference from geographic licensees if the Commission adopts geographic licensing. Black & Associates stated that many MAS operations will require protection areas well beyond this 25 mile area,^{9/} while Alligator Communications, Inc. noted that MAS private users, including railroads, will exceed the 25 mile service area.^{10/} CellNet Data Systems, Inc. suggested that a 45 mile radius protection area would be more appropriate for the protection of incumbents than a 25 mile area.^{11/}

Several commenters also shared the railroads' concern that geographic licensing may constrain the ability of incumbent MAS licensees to expand their systems. Comsearch stated that geographic licensing would create "economic and operational serfdom" where incumbents are controlled by geographic licensees.^{12/} Delmarva Power and Light opposed geographic licensing because it would mean that an incumbent licensees' systems would be "frozen from a licensing standpoint, with expansion or substantial modification of their system[s] left to the uncertainty of reaching agreement

8/ See API Comments at 30; GTECH Corporation Comments at 6.

9/ See Black & Associates Comments at 7-8.

10/ See Alligator Communications, Inc. Comments at 2.

11/ See CellNet Data Systems, Inc. Comments at 27.

12/ See Comsearch Comments at 5.

with a geographic licensee."^{13/} The railroads agree with the concerns expressed by these commenters and urge the Commission not to adopt rules which would restrain incumbent licensees' ability to expand their MAS systems to meet their growing need for private, internal communications.


V. Conclusion

For the foregoing reasons, the railroads respectfully request the Commission to allocate the 928/956/958 MHz bands solely for the private, internal uses of licensees and to continue licensing this band on a site-by-site basis. The railroads also urge the Commission to ensure that incumbent MAS licensees are protected adequately from any interference by geographic licensees and are not constrained by the adoption of any geographic licensing scheme from expanding their MAS systems to meet increasing demands.

Respectfully submitted,

AFFILIATED AMERICAN RAILROADS

By:


Thomas J. Keller, Esq.
Leo R. Fitzsimon, Esq.
VERNER, LIIPFERT, BERNHARD,
MCIPHERSON AND HAND, CHARTERED
901-15th Street, N.W., Suite 700
Washington, D.C. 20005-2301
(202) 371-6060
Its Attorneys

Date: May 15, 1997

^{13/} See Delmarva Power and Light Company Comments at 5.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing "Reply Comments of the Affiliated American Railroads" was served by first-class mail, postage prepaid, this 15th day of May, 1997 to the following persons:

Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, NW -- Room 814
Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, NW -- Room 802
Washington, D.C. 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, NW -- Room 844
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, NW -- Room 832
Washington, D.C. 20554

Dan Phythyon
Chief Wireless Bureau
Federal Communications Commission
2025 M Street, NW -- Room 5002
Washington, D.C. 20554

Bob James
Wireless Bureau
Federal Communications Commission
2025 M Street, NW -- Room 8010-B
Washington, D.C. 20554

David Horowitz
Wireless Bureau
Federal Communications Commission
2025 M Street, NW -- Room 8010
Washington, D.C. 20554

David Wye
Wireless Bureau
Federal Communications Commission
2025 M Street, NW -- Room 5002
Washington, D.C. 20554

Shirley S. Fujimoto, Esq.
Kirk S. Burgee, Esq.
McDermott, Will & Emery
1850 K Street, N.W.
Suite 500 West
Washington, D.C. 20006
Counsel for Delmarva Power and
Light Company

E.C. Adams
Radio Data One
5303 111th Avenue, N.E.
Spicer, MN 56288

Thomas Gutierrez, Esq.
Lukas McGowan, Nace & Gutierrez,
Chartered
Suite 1200
1111 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel for Coalition for Equitable
Mass Licensing

John A. Prendergast, Esq.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W., Suite 300
Washington, D.C. 20037
Counsel for Alarm Industry
Communications Committee

Douglas L. Povich, Esq.
Kelly & Povich, P.C.
1101 30th Street, N.W., Suite 300
Washington, D.C. 20007
Counsel for GTECH Corporation

James M. Talens, Esq.
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
Counsel for Southern California
Edison Company

Rudolph J. Geist, Esq.
Wilkes, Artis, Hedrick & Land, Chartered
1666 K Street, N.W., #1100
Washington, DC 20006
Counsel for APCO

J. Jeffrey Craven, Esq.
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350
Counsel for JMP Telecom Systems,
Inc.

Caressa D. Bennet, Esq.
Bennet & Bennet, PLLC
1019 19th Street, N.W., Suite 500
Washington, D.C. 20036
Counsel for Rural
Telecommunications Group

Robert G. Allen, Esq.
Allen & Harold, P.L.C.
10610-A Crestwood Drive
P.O. Box 2126
Manassas, VA 20108
Counsel for Data Address Systems

Richard L. Vega, Jr.
President
The Richard L. Vega Group
1245 West Fairbanks Avenue, Suite 380
Winter Park, FL 32789-4878

Sydney T. Black
Black & Associates
2052 Bridgegate Court
Westlake village, CA 91361

Carolyn Y. Richards
Carolyn Richards Special Enterprises
816 South Avenue
Horseheads, NY 14845

Herbert N. Didier
Marketing Director
Alligator Communications, Inc.
250 N. Wolfe Road
Sunnyvale, CA 94086

Robert E. Ryan
Partner
MInd Communications
750 Highview Ave.
Glen Ellyn, IL 60137

Leon & Charlene Wittman
Rt 3 Box 24 F
Quinter, KS 67752

Stanley I. Cohn
801 Bermuda Court
Annapolis, MD 21401

E.C. Adams
5303 111th Avenue, N.E.
Spicer, MN 56288

Joseph W. Fordham
707 Marble Way
Boca Raton, FL 33432

Christopher R. Hardy
Vice President
Microwave and Satellite Services
Comsearch
2002 Edmund Halley Drive
Reston, VA 20191

Kenneth Palumbo
Communications Manager Supervisor
Washington Suburban Sanitary
Commission
14501 Sweitzer Land
Laurel, Maryland 20707-5902

Curtis T. White
4201 Connecticut Avenue, N.W.
Suite 402
Washington, D.C. 20008-1158

John H. Sullivan
Deputy Executive Director
American Water Works Association
1401 New York Avenue, N.W.
Suite 640
Washington, D.C. 20005

William J. Sill, Esq.
Jill M. Canfield, Esq.
Evans & Sill, P.C.
1627 Eye Street, N.W.
Suite 810
Washington, D.C. 20006
Counsel for S&K Enterprises

Eliot J. Greenwald, Esq.,
Fisher, Wayland, et. al.
2001 Pennsylvania Ave., N.W.
Suite 400
Washington, D.C. 20006-1851

William Braun
3389 Wade Street
Los Angeles, CA 90066-1531

Lawrence J. Movshin, Esq.
Jeffrey S. Cohen, Esq.
Wilkinson, Barker, Knauer & Quinn
1735 New York Avenue, N.W.
Washington, D.C. 20006-5209
Counsel for CellNet Data Systems, Inc.

Erin M. Egan, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
Counsel for Compu-DAWN, Inc.

Katherine M. Holden
David E. Hillard
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for PCIA

W. Thomas Veal, Jr.
951 W. 7th Street
Oxnard, CA 93030

Charles and Lisa Hooper
1281 Woodlawn Avenue
San Jose, CA 95128

Phil Shaw
Communications Engineer
Public Service Company of New Mexico
Alvarado Square - MS0600
Albuquerque, NM 87158

Ranjan Bhagat
Puget Sound Energy, Inc.
13635 N.E. 80th Street
Redmond, WA 98052

George Nagrodsky, Sr.
1636 Fifth Avenue
Bay Shore, NY 11706

Allan C. Gordon
1422 Lark
St. Louis, MO 63122

Jack DeBruin
874 Tanbark Drive
Suite 101
Naples, FL 34108

Jay R. Schmieder
2601 S. Braeswood
Suite 402
Houston, Texas 77025

Geoffrey D. Commons
122 Patrician Way
Pasadena, CA 91105

Jerome K. Blask, Esq.
Gurman, Blask & Freedman
1400 Sixteenth Street, N.W.
Suite 500
Washington, D.C. 20036
Counsel for ProNet Inc.

A. Thomas Carroccio, Esq.
Donald E. Santarelli, Esq.
Charles A. Ziellinski, Esq.
Bell, Boyd & Lloyd
Suite 1200
1615 L Street, N.W.
Washington, D.C. 20036
Counsel for Burlington Northern &
Santa Fe Railway Company

William D. Wallace, Esq.
Crowell & Moring LLP
1001 Pennsylvania Avenue N.W.
Washington, D.C. 20004
Counsel for Sensus Technologies, Inc.

George Arena
President
Microwave Data Systems
175 Science Parkway
Rochester, NY 14620
Counsel for Microwave Data Systems

Joseph A. Godles, Esq.
W. Kenneth Ferree, Esq.
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, D.C. 20036
Counsel for Itron, Inc.

Carole C. Harris, Esq.
Kirk S. Burgee, Esq.
McDermott, Will & Emery
1850 K Street, N.W.
Suite 500 West
Washington, D.C. 20006
Counsel for Cooperative Power
Association

Jeffrey L. Sheldon, Esq.
Sean A. Stokes, Esq.
UTC
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036
Counsel for UTC

Carl W. Northrop, Esq.
Paul, Hastings, Janofsky & Walker LLP
1299 Pennsylvania Avenue, N.W.
Tenth Floor
Washington, D.C. 20004
Counsel for AirTouch Paging and
Arch Communications Group

Christopher Martin Shaw
445 Skyline Lakes Drive
Ringwood, NJ 07456

J. Thomas Nolan, Esq.
Ginsburg, Feldman and Bress
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036
Counsel for Radscan, Inc.

William G. Carter
Manager, Telecommunications
Colorado Interstate Gas Company
P.O. Box 1087
Colorado Springs, CO 80944

Wayne V. Black, Esq.
Nicole B. Donath, Esq.
Keller and Heckman LLP
1001 G Street, N.W.
Suite 500
Washington, D.C. 20001
Counsel for The American Petroleum
Institute

Wayne V. Black, Esq.
Nicole B. Donath, Esq.
Keller and Heckman, LLP
1001 G Street
Suite 500 West
Washington, D.C. 20001
Counsel for GPM Gas Corporation

Shirley S. Fujimoto, Esq.
Kirk S. Burgee, Esq.
McDermott, Will & Emery
1850 K Street, N.W.
Suite 500 West
Washington, D.C. 20006
Counsel for Wells Rural Electric Company

George A. Dieter
Director - Planning & Development
Baltimore Gas and Electric Company
7152 Windsor Boulevard
Baltimore, Maryland 21244

James Arch.
P.O. Box 940037
Maitland, Florida 32794-0037

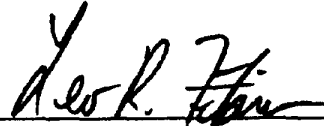
Tim Swaim
430 Kelly Lane
Lexington, NC 27295

Gary D. Knudson
125 E. Davenport St.
P.O. Box 733
Rhinelander, WI 54501
Counsel for Arthur Dittmann

Bobby Daryaie
DDI Radio Data Transmissions#104
4130 La Jolla Village Drive #107-74
La Jolla, CA 92037

Colleen T. Sheahan
2223 Arbor Creek Drive
Carrollton, Texas 75010

Norman M. Brady
975 Cobblestone Drive
Orange Park, FL 32065

A handwritten signature in black ink, appearing to read "Leo R. Fitzsimon", written over a horizontal line.

Leo Fitzsimon